REMARKS

Initially, Applicants respectfully note that a request for continued examination is included with this submission under 37 C.F.R. § 1.114.

By this amendment, independent claims 1 and 43 are amended and discussed below in response to the Examiner's rejection. New claims 90-103 are also being presented.

In the Office Action mailed October 15, 2003, the Examiner rejected claims 1-4 and 43-46 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,327,578 issued to Mark Linehan ("Linehan") in view of U.S. Pat. No. 6,560,581 issued to Fox et al., ("Fox"). The Examiner's rejections are respectfully traversed and reconsideration of the amended claims is hereby requested.

In the Office Action, the Examiner acknowledges that Linehan does not expressly disclose various steps contained in Applicants' claims but asserts that Fox discloses those missing steps. *Office Action, October 15, 2003 at p. 2-3 par 3.* In particular, the Examiner states that "Fox et al. disclose ... said second request including said portion of said assembled credentials provided to said use or validating said portion of said assembled credentials provided to said user with said key of said assembled credentials to provide access to a transaction service." *Id. at p. 3, par 3.* Applicant's respectfully disagree.

Linehan discloses a four-party protocol method of doing business for electronic commerce that provides an issuer gateway and moves the credit/debit card authorization function from the merchant to the issuer thus enabling pre-authorization of payments by generating and transmitting an authorization token. *See, Linehan, col. 5, lines 50-55; col. 6, lines 15-61.* Linehan discloses that in response to a consumer purchase selection, a merchant's computer 204 sends a merchant

message 222 to the consumer's computer 202, including a wallet initiation message, a merchant digital signature, and a digital certificate from an acquiring bank 208. The wallet initiation message, which includes purchase information, in turn starts a consumer computer wallet program. The consumer's computer 202 then communicates with the issuer gateway 214. *Linehan, col. 5, lines 55-55; see also Fig. 2A-2C.* The issuer gateway issues a challenge message 274. The consumer computer 202 passes the challenge on to a consumer smart card 262. The smart card 262 then signs the challenge and returns the signed challenge response 276 to the consumer's computer 202 which then combines it with the merchant's initiation message 224 and sends it on to the issuer gateway 214, where the smart card's signature and consumer's identity are verified. *Linehan, col. 7, lines 20-38; Fig. 2C.* Linehan thus discloses the generation of a digital signature and signed challenge response by a smart card on the client side of the consumer computer relative to the server side issuer gateway 214 as shown in Fig. 2C of Linehan.

Fox discloses a system and method for secure electronic commerce transaction between multiple participants that involves two distinct phases or processes. *Fox, col. 6, lines 43-67 - col. 7 lines 1-8; see also Fig. 1-2.* Initially, in the registration process, interaction is required between each participant and a trusted credential authority, where each participant 22(a), 22(b), and 22(c) is required to register with the certified trusted authority 26 before being permitted to engage electronically in the commercial activity. *Id. at col. 6, lines 65-67 and col. 8, lines 21-24.* During the registration process, the computing units for each participant 22 generate and send a registration packet to the credential binding server 28 at the trusted credential authority 26. The credential binding server 28 then produces unique credentials for each participant 22 and sends the credentials to each of the computing units for each participant 22. The credentials can then be used to identify and authenticate other participants 22 during a commerce transaction in the future. *Id. at col. 6,*

lines 52- 65.

Fox discloses that in the second phase, after registration is complete, participants are then able to conduct commercial activity between themselves in a transaction process involving communication among and between the originating and recipient participants of the transaction without any interaction between the participants 22 and the trusted credential authority 26 and its associated central binding server 28. *Id. at col. 7, lines 1-5; see also Fig. 2.* Fox specifically discloses that unlike the registration process, the transaction process involves communication only among the participants to the transaction. There is no interaction between any of the participants and the trusted credential authority. *Id. at col. 11, lines 31-35; see also Fig. 2.* Further, Fox states that "[t]his is beneficial because it eliminates the need to check with a trusted credential authority during each commercial transaction and streamlines communication during the transaction." *Id. at col. 7, lines 5-9.*

Applicants, respectfully submit Fox does not disclose step (g) of independent claims 1 and 43 which requires receiving a second request from said user at said server, said second request including said portion of said assembled credentials provided to said user. The second request from the user to the server is being sent to the server in order to proceed with the actual transaction. Further, the second request from the user is being sent to the same server that previously assembled the credentials for a transaction in step (e) of claims 1 and 43. In contrast, the second request to proceed with a transaction in Fox is sent from one participant computer 24(a), e.g., a purchaser, and received by another participant computer 24(b) or 24(c), e.g., a merchant or bank computer. The second request is not received by the same binder server 28 that previously assembled and issued the registration credential. In fact, Fox specifically discloses that that unlike the registration process, the transaction process involves communication only

among the participants to the transaction, and that there is no interaction between any of the participants and the trusted credential authority 26 and its binding server 28. *Id. at col. 11, lines 31-35 and col. 7, lines 1-5; see also Fig. 2.*

Additionally, Fox does not disclose step (h) of independent claims 1 and 43 which requires validating, at said server, said portion of said assembled credentials provided to said user with said key of said assembled credentials to provide access to a transaction service. The validating in step (h) is carried out at the same server that previously assembled credential for a transaction in step (e) of claims 1 and 43. In contrast, the binding server 28 of the trusted credential authority 26 that issued the participant credentials does validate the credentials. Fox specifically discloses that there is no interaction between any of the participants and the trusted credential authority 26 in the transaction process. *Id. at col. 11, lines 31-35 and col. 7, lines 1-5; see also Fig. 2.*

Applicants, therefore, respectfully submit that there would not have been a motivation to modify the method disclosed in Linehan to include steps allegedly disclosed in Fox. Linehan discloses generating credentials by a smart card on the client side of the consumer computer relative to the server side issuer gateway 214. Although, Fox discloses generating credentials on the server side during a registration process, Fox specifically discloses a second request for a transaction and validation of credentials in a transaction process that does not involve the same binding server that previously issued the credentials.

Thus, Applicants respectfully submit that neither Linehan or Fox teach or suggest a method for conducting a transaction that includes receiving a second request from said user at said server, said second request including said portion of said assembled credentials provided to said user, and validating, at said server, said portion of said assembled credentials provided to

said user with said key of said assembled credentials to provide access to a transaction service, as claimed in independent claims 1 and 43. Applicants therefore submit that even if Linehan is combined with Fox, this combination fails to teach or suggest all the claim limitations of independent claims 1 and 43. Applicants therefore respectfully assert that independent claims 1 and 43, as now presented, are patentably distinct from the combination of Linehan and Fox and therefore in condition for allowance. *See M.P.E.P. §2143.*

Further, with respect to rejected claims 2-4 and 44-46, Applicants respectfully submit that these claims, which depend from claims 1 and 43, either directly or indirectly, are also allowable for the same reasons. *See M.P.E.P. § 2143.03.*

Although newly presented claims, claims 90-103, are not identical in scope to the previously pending claims, Applicants respectfully submit that the new claims are allowable for the same reasons set for the above.

CONCLUSION

For the foregoing reasons, Applicants respectfully requests that the foregoing amendment be entered and that the pending claims be considered and allowed to issue. The Examiner is encouraged to contact the undersigned directly at (312) 984-7619 should there be any issues that might hinder the passage of this application to issue.

Respectfully submitted,

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